

## LEGISLATIVE FISCAL OFFICE Fiscal Note

Fiscal Note On: **HB 994** HLS 12RS 689

Bill Text Version: **ENROLLED** 

Opp. Chamb. Action:

Proposed Amd.: Sub. Bill For.:

**Date:** May 10, 2012 3

3:31 PM

Author: LOPINTO

Dept./Agy.: Corrections

CRIMINAL/SENTENCING

Subject: Good Time

**Analyst:** Matthew LaBruyere

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EN DECREASE GF EX See Note

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Provides with respect to the calculation of the "good time" diminution of sentence for certain offenders

<u>Present law</u> provides for diminution of sentence or "good time" for certain offenders at a rate of 35 days for every 30 days in actual custody. <u>Present law</u> does not apply to people convicted of a sex offense, a crime of violence, or any offense which would constitute a crime of violence or a sex offense, regardless of the date of conviction.

<u>Proposed legislation</u> changes the rate from 35 days for every 30 days in actual custody to one and one-half days for every one day (45 days for every 30 days in actual custody) in actual custody and otherwise retains <u>present law</u>.

<u>Proposed legislation</u> applies only to persons sentenced on or after Aug. 1, 2012.

EXPENDITURES	2012-13	<u>2013-14</u>	2014-15	<u> 2015-16</u>	2016-17	5 -YEAR TOTAL
State Gen. Fd.	DECREASE	DECREASE	DECREASE	DECREASE	DECREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						
REVENUES	2012-13	2013-14	2014-15	2015-16	2016-17	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	+0		+ 0	+0	+0	¢O
Deal, Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0
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#### **EXPENDITURE EXPLANATION**

The proposed legislation may result in a decrease in state general fund expenditures since the amount of "good time" an offender earns while incarcerated would increase from 35 days for 30 days served to 45 days for 30 days served. The exact fiscal impact is indeterminable since it is not known how many defendants will be convicted and admitted to Department of Corrections custody and the imposed sentence length of the offender. A savings will be recognized by the state for each day an offender who earned good time and is released under parole supervision is not incarcerated in a local or state facility. The state will recognize a savings of \$21.97 (\$24.39 per day - \$2.42 parole supervision per day) per offender per day in a local facility and \$48.33 (\$50.75 per day - 2.42 parole supervision per day) per offender per day in a state facility. Currently, the Department of Corrections houses 50% of state offenders at the local level and 50% at the state level.

Currently, an offender who earns "good time" while incarcerated, earns 35 days for 30 days served. To the extent an offender is sentenced to 65 days, an offender would serve 30 days before being released (65 day sentence = 30 days served + 35 days good time earned), which is a rate of 0.4615 for time served (30 days served / 65 day sentence = 0.4615). This proposed legislation provides that an offender that earns "good time" while incarcerated earns 45 days for 30 days served. To the extent an offender is sentenced to 75 days, an offender would serve 30 days before being released (75 day sentence = 30 days served + 45 days good time earned), which is a rate of 0.40 for time served (30 days served / 75 day sentence = 0.40).

According to the Department of Corrections there were 12,989 offenders admitted in 2010 that were eligible for "good time". Of the 12,989 eligible offenders admitted, there were 5,506 admissions for property crimes with an average imposed sentence of 51.0 months, 5,799 admissions for drug crimes with an average imposed sentence of 56.0 months, and 1,684 admissions for other crimes with an average imposed sentence of 52.0 months.

To the extent an offender, admitted for a <u>property crime</u>, would earn "good time" at the current rate, the offender would serve 23.5 months of the 51.0 month imposed sentence (51.0 months x 0.4615 rate). (Continued on Page 2)

#### **REVENUE EXPLANATION**

The proposed legislation may result in an indeterminable increase in self-generated revenue as a result of offenders rate of earning good time increasing and the offender becomes parole eligible earlier, thus being released into parole supervision. For each offender that is released to parole at an earlier date, the Department of Corrections could collect up to \$63 per month from each offender under parole supervision. It should be noted that the maximum amount paid per month is \$63 and the offender's ability and amount he is required to pay is determined by the Board of Parole.

$\frac{\text{Senate}}{\boxed{13.5.1}} = \$100$	<u>Dual Referral Rules</u> ,000 Annual Fiscal Cost {S&H	$\frac{\text{House}}{\int 6.8(\text{F})1} >= $500,000 \text{ Annual Fiscal Cost } \{S\}$	Evan	Brasseaux
13.5.2 >= \$500	,000 Annual Tax or Fee ge {S&H}	$\Box$ 6.8(G) >= \$500.000 Tax or Fee Increase	Evan Brasseaux Staff Director	



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### **CONTINUED EXPLANATION from page one:**

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Based on this legislation, the offender would serve 20.4 months (51.0 months x 0.40 rate), a difference of 3.1 months (23.5 months - 20.4 months). The reduction in time served could result in a savings of \$2,043 per offender per sentence (3.1 months x 30 days x \$21.97 per day) at the local level and \$4,495 per offender per sentence (3.1 months x 30 days x \$48.33 per day) at the state level.

To the extent an offender, admitted for a <u>drug crime</u>, would earn "good time" at the current rate, the offender would serve 25.8 months of the 56.0 month imposed sentence (56.0 months  $\times$  0.4615 rate). In this bill, the offender would serve 22.4 months (56.0 months  $\times$  0.40 rate), a difference of 3.4 months (22.1 months - 19.2 months). The reduction in time served could result in a savings of \$2,241 per offender per sentence (3.4 months  $\times$  30 days  $\times$  \$21.97 per day) at the local level and \$4,930 per offender per sentence (3.4 months  $\times$  30 days  $\times$  \$48.33 per day) at the state level.

To the extent an offender, admitted for an other crime, would earn "good time" at the current rate, the offender would serve 24.0 months of the 52.0 month imposed sentence (52.0 months  $\times$  0.4615 rate). In this bill, the offender would serve 20.8 months (52.0 months  $\times$  0.40 rate), a difference of 3.2 months (24.0 months - 20.8 months). The reduction in time served could result in a savings of \$2,109 per offender per sentence (3.2 months  $\times$  30 days  $\times$  \$21.97 per day) at the local level and \$4,640 per offender per sentence (3.2 months  $\times$  30 days  $\times$  \$48.33 per day) at the state level.

It should be noted that the savings indicated above are estimates and may be negated by back-filling beds and recidivism.

<u>Senate</u> ☐ 13.5.1 >= \$1	<u>Dual Referral Rules</u>	$\frac{\text{House}}{\text{S&H}} \boxed{ 6.8(F)1 >= $500,000 \text{ Annual Fiscal Cost } \{S\}}$	Evan	Brasseaux
13.5.2 >= \$5	500,000 Annual Tax or Fee nange {S&H}		Evan Brasseaux Staff Director	